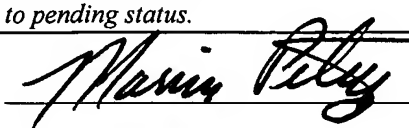


#4

Customized FORM PTO-1390		U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE		ATTORNEY DOCKET NO. P06795US00/MP	
TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371				U.S. APPLICATION NO. (If known, see 37CFR 1.5) 10/070,823	
INTERNATIONAL APPLICATION NO. PCT/EP99/06803		INTERNATIONAL FILING DATE 14 SEPTEMBER 1999		PRIORITY DATE CLAIMED	
TITLE OF INVENTION: INSERTION INSTRUMENT FOR AN INTERVERTEBRAL IMPLANT					
APPLICANT(S) FOR DO/EO/US: BEYERSDORFF, Boris et al.					
Applicant herewith submits to the US Designated/Elected Office (DO/EO/US) the following items and other information:					
<input type="checkbox"/> 1. This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. <input checked="" type="checkbox"/> 2. This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 USC 371. <input type="checkbox"/> 3. This express request to begin national examination procedures (35 USC 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 USC 371(b) and PCT Art. 22 and 39(1). <input type="checkbox"/> 4. A proper Demand for International Preliminary Examination was made by the 19 th month from the earliest claimed priority date. <input type="checkbox"/> 5. A copy of the International Application as filed (35 U.S.C. 371 (c)(2)) <input type="checkbox"/> a. is transmitted herewith (required only if not transmitted by the International Bureau). <input type="checkbox"/> b. has been transmitted by the International Bureau. <input type="checkbox"/> c. is not required, as the application was filed in the United States Receiving Office (RO/US). <input type="checkbox"/> 6. A translation of the International Application into English (35 U.S.C. 371(c)(2)). <input type="checkbox"/> 7. Amendments to the claims of the International Appln. under PCT Article 19 (35 USC 371 (c)(3)) <input type="checkbox"/> a. are transmitted herewith (required only if not transmitted by the International Bureau). <input type="checkbox"/> b. have been transmitted by the International Bureau. <input type="checkbox"/> c. have not been made; however, the time limit for making such amendments had NOT expired. <input type="checkbox"/> d. have not been made and will not be made. <input type="checkbox"/> 8. A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). <input checked="" type="checkbox"/> 9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). <input type="checkbox"/> 10. A translation of the annexes to the Int'l Prelim. Exam. Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11. to 20. below concern document(s) or information included: <input type="checkbox"/> 11. An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98. <input checked="" type="checkbox"/> 12. An Assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. <input type="checkbox"/> 13. A First preliminary amendment . <input type="checkbox"/> 14. A Second or Subsequent preliminary amendment . <input type="checkbox"/> 15. A substitute specification . <input type="checkbox"/> 16. A change of power of attorney and/or address letter . <input type="checkbox"/> 17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 & 35 USC 1.821-825. <input type="checkbox"/> 18. A second copy of the published international application under 35 USC 154(d)(4). <input type="checkbox"/> 19. A second copy of the English translation of the international application under 35 USC 154(d)(4). <input type="checkbox"/> 20. Other items or information: <input type="checkbox"/> <input checked="" type="checkbox"/> A copy of the Notification of Missing Requirements under 35 U.S.C. 371. <input checked="" type="checkbox"/> In the event that a petition for extension of time is required to be submitted herewith, and in the event that a separate petition does not accompany this response, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many .. months as are required to render this submission timely. Any fee is authorized in 17(c).					
Date: 15 July 2002					

U.S. APPLICATION NO. <i>(if known)</i> 10/070,823		INTERNATIONAL APPLICATION NO. PCT/EP99/06803		ATTORNEY DOCKET NO. P0679US00/MP	
<input checked="" type="checkbox"/> 21. The following fees are submitted: <input type="checkbox"/> Basic National Fee (37 CFR 1.492 (a) (1)-(5): <div style="margin-left: 20px;"> <input type="checkbox"/> Neither Int'l Prelim. Exam. fee nor Int'l Search fee paid to USPTO \$1040 <input type="checkbox"/> Search Report has been prepared by the EPO or JPO \$ 890 <input type="checkbox"/> No Int'l Prelim. Ex. fee paid to USPTO but Int'l Search fee paid to USPTO \$ 740 <input type="checkbox"/> International preliminary examination fee paid to USPTPO \$ 710 <input type="checkbox"/> Int'l Prelim. Ex. fee paid to USPTO & all claims satisfied PCT Art. 33(1)-(4) \$ 100 </div>				CALCULATIONS <i>PTO USE ONLY</i>	
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$	
<input checked="" type="checkbox"/> Surcharge of \$130 for furnishing the oath or declaration later than from the earliest claimed priority date (37 CFR 1.492(e)).		<input type="checkbox"/> 20 mos. <input type="checkbox"/> 30 mos. +		\$ 130	
CLAIMS	NOW	PREVIOUSLY PAID FOR	RATE		
Total Claims	70	70	X \$18 =		
Independent Claims	11	11	X \$84 =	\$	
<input type="checkbox"/> Multiple Dependent Claim(s) (if applicable)			+ \$280 =	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 130	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.				-	\$ 65
SUBTOTAL =				\$ 65	
<input type="checkbox"/> Processing fee of \$130 for furnishing the English translation later than from the earliest claimed priority date (37 CFR 1.492(f)).		<input type="checkbox"/> 20 mos. <input type="checkbox"/> 30 mos. +		\$	
TOTAL NATIONAL FEE =				\$ 65	
<input checked="" type="checkbox"/> Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40 per property				+	40
TOTAL FEES ENCLOSED =				\$ 105	
10/070,823 55.00 \$ Amount to be				Refunded	\$
				Charged	\$
<input checked="" type="checkbox"/> a. A check in the amount of \$105.00 to cover the above fees is enclosed. <input type="checkbox"/> b. Please charge my Deposit Account No. 12-0555 in the amount of \$ to cover the above fees. <input checked="" type="checkbox"/> c. The Commissioner is hereby authorized to charge any additional fees required or credit overpayment to Deposit Account No. 12-0555.					
<i>Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</i>					
SEND ALL CORRESPONDENCE TO: MARVIN PETRY At the address (below) of CUSTOMER NO. 00881. LARSON & TAYLOR, PLC 1199 NORTH FAIRFAX ST. SUITE 900 ALEXANDRIA, VA 22314			SIGNATURE:  NAME: Marvin Petry REG. NO.: 22752 PHONE NO.: 703-739-4900 Date: 15 July 2002		



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCl
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/070,823	Boris Beyersdorff	P06795US00/MP

INTERNATIONAL APPLICATION NO.	
PCT/EP99/06803	
I.A. FILING DATE	PRIORITY DATE
09/14/1999	

00881
 LARSON & TAYLOR, PLC
 1199 NORTH FAIRFAX STREET
 SUITE 900
 ALEXANDRIA, VA 22314

COPY

CONFIRMATION NO. 9547
 371 FORMALITIES LETTER



OC000000008114807

Date Mailed: 05/21/2002

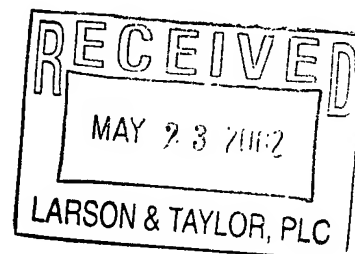
7-21-2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Indication of Small Entity Status
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Preliminary Amendments
- Request for Immediate Examination
- Small Entity Statement

COPY



The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$65 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

COPY

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- \$65 Late oath or declaration Surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/070,823	PCT/EP99/06803	P06795US00/MP

FORM PCT/DO/EO/905 (371 Formalities Notice)

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